

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 2:16cv701
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

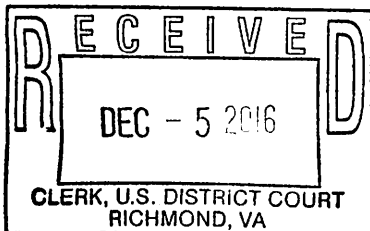
1. (a) JAZZMAN LEVERT DANIEL (b) 111558
(Name) (Inmate number)
- (c) 1701 FAIRFIELD WAY
(Address)
Richmond, Va 23213

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) BEN FRAZER (b) Richmond Police Department
(Name) (Title/Job Description)
- (c) 200 W. GRACE STREET
(Address)
Richmond, VA, 23219



2. (a) JOSEPH ROMAN
(Name)
(b) Richmond Police Department
(Title/Job Description)
(c) 200 W. GRACE STREET
(Address)
Richmond, VA, 23219
3. (a) JACOB DEBOARD
(Name)
(b) Richmond Police Department
(Title/Job Description)
(c) 200 W. GRACE STREET
(Address)
Richmond, VA, 23219

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No [X]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county):

3. Date lawsuit filed: _____

4. Docket number: _____

5. Name of Judge to whom case was assigned: _____

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): _____

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: _____

B. Does the institution listed in "A" have a grievance procedure? Yes [] No []

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [] No []

2. If so, where and when: _____

3. What was the result? _____

4. Did you appeal? Yes [] No []

5. Result of appeal: _____

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [] No []

If your answer is Yes, what steps did you take? _____

E. If your answer is No, explain why you did not submit your complaint to the prison authorities: _____

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

On 4/20/2016 At 1827 hrs, OFFICERS, Joseph Roman, Ben Frazer, Jacob Deboard, did unlawfully enter my residence at 6346 Midlothian Trpk, Richmond, VA, Room 350[#]. Mr Roman, knocked on my door. I was seated in a chair at the window, looking out at the rabbits play in the field. Officer, Ben Frazer, walk by, trailed with two other officers, Joseph Roman, Jacob Deboard, Mr Frazer back pckle and ask Mr Roman, to knock on my door. Room 350. Like I said I was seated at the window, so I, "Jazmani Daniel", asked the officers, "How can I help ya?" Mr Frazer stated, "you can open the door so we can come in." I told Mr Frazer "No" I won't be opening my door Room 350. Then I asked him, "Mr Frazer, why do you want me to open my door." Mr Frazer stated, "because I want to talk to you about something and I don't want to air your business out in public." I then told Mr Frazer that we don't have no business. He then ask me was I on the registry, "I stated yes", then Mr Frazer, asked for my Identification Card and I stuck it to the window so he can see it. He made a positive check and I came back with that mean close from all warrants. I took a seat back in my chair by the window. As I was closing my blinds, Mr Frazer told Mr Deboard to open the door. I walk towards the door and Mr Frazer, told me if I don't open my door he was going to arrest me. I crack the door with the chain still attach, that's when Mr Frazer bust into my room with the other two officers, told me to turn around and I refuse. That's when he smack me across the side of my head with his forearm, I fell to the ground and Mr Frazer strangle my back and start to punch me in my sides and Mr Deboard and Mr Roman assisted him in violating me. Ms Holly Dietmer,

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

2 page

A FRIEND AND occupant of the hotel Room "356" At the time, started screaming, that's when the OFFICERS slowed their assault. They place ME UNDER ARREST AND left ME ON the FLOOR gasping For Air. I repeatedly ASK the OFFICERS CAN they call the EMT'S, CAUSE I CAN'T catch my breath and it hurts REALLY bad when I breathe. The OFFICERS waited like 30 min later, AFTER ME crying begging For help and to pick me up off the Floor. Mr Deboard, pick me up off the Floor and set me in the chair by the window. As I was waiting For the OFFICERS to call the EMT'S, Mr FRATER search my room repeatedly. He open the dresser drawers lifted up the bed, also went inside the Refrigerator and search in the bathroom. When he came back out the bathroom he stated "Mr FRATER - I know something is in here. That's when I stated through gasping painful breaths "I NEVER gave you or the other OFFICERS consent to ENTER OR SEARCH my space. Mr FRATER told me "shut-up, I'm the police I can do what I want to", and if you talk again you gone do 10 years. That's when I stated "F-You, you crookit axx, racist axx police. Mr FRATER ran from across the Room grab and slam me on my face and chest with the hand cuffs still ON ME. I remained on the Floor while he continue to SEARCH my Room "350?" After about 15 mins of painful breaths, I started to cry for help. After crying for help for about 10 mins, Officer Deboard, call the EMT'S. I guess my room and sisters and neighbors heard ME crying for help cause it started a uproar outside the Room. That's when OFFICER FRATER open the door and all of the OFFICERS exited the Room

Statement of the Claim

And left me and Holly in the Room "350" by our selves. They came back in about two mins. When all three officers were back in the room they close the door again. I could hear my mom and sisters yelling "opening the door so we can make sure he's OK. They ask multiple times and I requested multiple times, but they refuse to let them into my Room "350". After Mr Frazer, completed one more search of my Room "350", he snatch Holly up by the arm really fast and went outside. I don't know what they talked about outside, but when Holly came back in, she ask can she get her things and Frazer told her no we will take care of them later, then he let her leave. Five Ten mins later the EMT's arrive and transported me to GSW - Chippenham Hospital, why I remained under arrest and were seen by Eric English - MD, confirm my injuries. A hour later I was serve a search warrant in the hospital and firearm charges were place on me. From my knowledge and understanding all three officers violated my 2nd, 4th and 14, Constitutional Amendments. Judge: Hon. Bradley B. Cavedo, From the Circuit Court of Richmond, VA, suppress and cleared me from all charges do to the violations of my Constitutional Rights on 10-12-16. Also in the suppression hearing a video was admitted into Record, with the officers and me "Jazzman L. Daniel" showing, when, where and how they violated my constitutional Rights and broke my ribs in the process. that's why I am filing this claim. I Jazzman L. Daniel will like to sue, Richmond, VA, Police Department and all parties stated in this claim for violating my constitutional Rights, Emotional distress, Body harm

November 3, 2016Jazzman L. Daniel

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. SLD (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

☒ Award money damages in the amount of \$ 5,000,000.00
☐ Grant injunctive relief by _____
☐ Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

1701 Fairfieldway, Richmond, Va, 23223

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes ☒ No ☐. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 3 day of November, 2016.

Plaintiff Jazzman Lervest Daniel